

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUC CONSTANT CLAES,)	CASE NO.	C05-0418-MJP-MAT
)		(CR04-244-MJP)
Petitioner,)		
)		
v.)		
)	ORDER DISMISSING PETITIONER'S	
UNITED STATES OF AMERICA,)	§ 2255 MOTION	
)		
Respondent.)		

The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2255 motion (Dkt. #1) is DISMISSED without prejudice as premature. *See United States v. Deeb*, 944 F.2d 545, 548 (9th Cir. 1991).
- (3) The Clerk is directed to send a copy of this Order to petitioner and to Judge Theiler.

DATED this 19th day of April, 2005.

/s/ Marsha J. Pechman
MARSHA J. PECHMAN
United States District Judge